

**PHARMACY EXAMINING BOARD
JUNE 22, 2006
MEETING MINUTES**

- PRESENT:** Michael Bettiga, R.Ph.; Fred Moskol, R.Ph.; Charlotte Rasmussen; Suzette Renwick; Jeanne M. Severson R.Ph.; Rich Verschay, R.Ph.; Gregory C. Weber, R.Ph.
- STAFF:** Tom Ryan, Bureau Director; William Black, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL Staff
- GUESTS:** Gina Besteman, Women's International Pharmacy; Mary Swandby, Chartwell Wisconsin Enterprises; Jamie Statz Paynter, Dean Pharmacy; Tom Engels, Pharmacy Society of Wisconsin (PSW); Connie Kraus, University of Wisconsin (UW) School of Pharmacy; Paul Baum, Group Health Cooperative; Molly Kou, pharmacy student – Dean Clinic; Jessica Wonderlich, pharmacy student – Dean Clinic; Amanda Krause, pharmacy student – Walgreens; Brian McIlhome, Walgreens

CALL TO ORDER

Michael Bettiga, called the meeting to order at 9:03 a.m. A quorum of 7 was confirmed.

APPROVAL OF AGENDA

Amendments:

- Item “E” – Clearinghouse report to agency regarding Phar 8.02 (3)(f), relating to controlled substances theft and loss reporting requirements
- Item “F” - Clearinghouse report to agency regarding Phar 17.04 and 17.05, relating to a foreign graduate internship
- Item “G” – Draft compliance policy guide 160.900 from the US Food and Drug Administration relating to pedigree requirements
- Item “G” –Wall Street Journal article titled “FDA to Order Tracking of Medicines” and FDA News article
- Between “K&L” – Practice Question submitted by Susan L. Sutter, R.Ph., regarding emergency schedule II verbal prescription orders
- Item “P” – Verification of completed continuing education for Kathy Lynch, R.Ph.
- After Item “EE” – DOE case status reports

MOTION: Fred Moskol moved, seconded by Jeanne Severson, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- Page 4 - Consultations on refill prescriptions – The Board members, by consensus, agreed this is an important part of Pharmacy and no changes will be pursued.

- Page 6 - Correct the spelling of Michael J. Bohrnstedt on the variance request for Aurora Pharmacy.

MOTION: Charlotte Rasmussen moved, seconded by Rich Verschay, to approve the April 12, 2006 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JEFFREY A. SWANSON, R.PH.

Attorney Michael J. Berndt, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Jeffrey A. Swanson, R.Ph.

AURORA PHARMACY

Attorney Michael J. Berndt, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Aurora Pharmacy.

SALLY J. KETTERER, R.PH.

Steve Englebrecht, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Sally J. Ketterer, R.Ph.

ADMINISTRATIVE REPORT

Mileage rate change

The mileage rate has changed to \$.425 per mile. Sample travel voucher and per diem forms were distributed.

National Association of Boards of Pharmacy (NABP) Recognition Resolution for Donald Jack Myers, former Pharmacy Examining Board member

Tom Ryan advised the Board of a certificate issued by the NABP to the family of Donald Jack Myers in recognition of his contributions to the pharmacy profession and the Pharmacy Examining Board.

July meeting reports

Noted.

CREDENTIALING LIAISON MOTION UPDATE

William Black updated the Board on the addition of sub-part I to the Board motion entitled “Identifying a Board licensing liaison and delegating certain licensing authority” document. Rich Verschay is the current credentialing liaison.

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to appoint Fred Moskol as the first alternate, Michael Bettiga as second alternate and to add sub-part I. Motion carried unanimously.

WIS. ADMIN. CODE § PHAR 8.02 (3)(F) - RELATING TO CONTROLLED SUBSTANCES THEFT AND LOSS REPORTING REQUIREMENTS

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to accept the changes as presented. Motion carried unanimously.

The Board held a public hearing on the controlled substances theft and loss reporting rule. There was no public testimony.

MOTION: Charlotte Rasmussen moved, seconded by Fred Moskol, to send the rule to the legislature upon conclusion of the comment period. Motion carried unanimously.

WIS. ADMIN. CODE § PHAR 17.04 (3) AND (5), 17.04 (2), (4), 17.05 (2) AND PHAR 2.02 (1)(C) - RELATING TO FOREIGN GRADUATE INTERNSHIP

William Black reviewed the changes that were recommended to the proposed rule by the legislative clearinghouse.

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to adopt the clearinghouse comments regarding the language change. Motion carried unanimously.

The Board held a public hearing on the foreign graduate internship rules. There was no public testimony.

MOTION: Charlotte Rasmussen moved, seconded by Fred Moskol, to send the rule to the legislature upon conclusion of the comment period. Motion carried unanimously.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

Legislative Liaison Report

Michael Bettiga updated the Board on the following issues:

LRB 4998/1, relating to drug pedigrees and wholesale distributors - review of draft and appointment of Board representative to legislature

William Black addressed the Board with regard to wholesale distributors and explained the bill in detail. The Board discussed inspections of both in-state and out-of-state distributors and the resources required to complete them.

MOTION: Fred Moskol moved, seconded by Rich Verschay, to appoint Greg Weber and William Black as representatives of the PEB to participate in discussions relating to this bill. Motion carried unanimously.

2005 Assembly Bill 1210 - epilepsy drug substitution

Fred Moskol stated that this bill is similar to a bill that has passed in Illinois. Passage of this bill may contradict Medicaid federal law regarding generic prescriptions.

REMOTE DISPENSING

Michael Bettiga reviewed the history of remote dispensing with the Board and requested that William Black re-draft the remote dispensing rule proposed for Board discussion. William Black explained remote dispensing as it intersects with pharmacy dispensing machines and the 10 mile restriction included in the draft. William Black will revise the draft with today's comments and bring it to a future Board meeting for review.

VARIANCE REQUEST

**UNIVERSITY OF WISCONSIN (UW) SCHOOL OF PHARMACY
MARA KIESER**

Mara Kieser, UW Assistant Dean for Experiential Education, appeared before the Board to request a variance and submitted two handouts regarding pharmacy student clerkship. The Board addressed both the pharmacist:technician (4:1) and clinical instructor:intern (1:1) ratios. The Board decided that each pharmacy that exceeds the ratio must file an individual variance. The Board cannot issue a variance to the school for this type of request.

**AURORA PHARMACY, INC
MICHAEL BOHRNSTEDT, R.Ph.**

Greg Albright, District Manager, Aurora Pharmacy Inc., appeared before the Board to answer questions.

MOTION: Fred Moskol moved, seconded by Jeanne Severson, to approve the request for a delivery variance for Aurora Pharmacy, Michael Bohrnstedt, R.Ph. Motion carried unanimously. Greg Weber abstained.

The Board requested a correction to page 7 of the Aurora Pharmacy variance request, changing FDA to DEA where appropriate.

**PRACTICE QUESTION
RICHARD HAYNEY PHARMACY SOCIETY OF WISCONSIN (PSW)**

The Board agreed that an immunization course would not need to be taken more than once.

PHYSICIAN DELEGATION

The Board felt that an emergency schedule II prescription cannot be verbally given to a pharmacist by a nurse as a delegated act of the DEA registrant.

**DRUG ENFORCEMENT ADMINISTRATION (DEA)
DRUG THEFT AND LOSS REPORTS**

Noted.

**DEA MEETING TO DISCUSS ELECTRONIC PRESCRIPTIONS
FOR CONTROLLED SUBSTANCES**

The Board discussed the electronic prescription topic and will hold comments until after the meeting between the DEA and the Department of Health and Family Services (DHFS) which is scheduled for July 11-12, 2006.

Licensing Liaison Report

None.

Pharmacy Forum Meeting – UW School of Pharmacy – August 9, 2006

Michael Bettiga reminded Board members of the Forum meeting, which is scheduled for August 9, 2006.

Regulatory Digest

Jeanne Severson has accumulated articles for the digest and will be working with Tom Ryan to prepare the articles for review at the July meeting.

**UW CASE DEVELOPMENT COMMITTEE
UPDATE AND JULY MEETING PLANNING**

Fred Moskol reported on the UW Case Development Committee meeting, which is working toward updating the consultation examination. The next meeting will be in August. A report will be provided to the Board in September.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Suzette Renwick moved, seconded by Greg Weber, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Michael Bettiga-yes; Fred Moskol-yes; Charlotte Rasmussen-yes; Jeanne M. Severson-yes; Rich Verschay-yes; Gregory C. Weber-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:45 a.m.

RECONVENE TO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION

MOTION: Fred Moskol moved, seconded by Rich Verschay, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:52 p.m.

ALTERNATE CE REQUEST

MOTION: Jeanne Severson moved, seconded by Fred Moskol, to deny the CE request of Christina Hoffman. Motion carried unanimously.

EXTENSION OF CE REQUEST

MOTION: Greg Weber moved, seconded by Rich Verschay, to approve a CE extension to September 1, 2006 for Kathy Lynch. Motion carried unanimously.

DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS

JEFFREY A. SWANSON, R.PH.

MOTION: Fred Moskol moved, seconded by Jeanne Severson, to accept the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Jeffrey A. Swanson, R.Ph. Motion carried unanimously.

AURORA PHARMACY

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to accept the proposed stipulation, findings of fact, conclusions of law and order in the

matter of disciplinary proceedings against Aurora Pharmacy. Motion carried unanimously. Greg Weber abstained.

SALLY J. KETTERER, R.PH.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to accept the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Sally J. Ketterer, R.Ph. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

04 PHM 077

MOTION: Rich Verschay moved, seconded by Jeanne Severson, to issue the administrative warning in the matter of case #04 PHM 077. Motion carried unanimously. Greg Weber abstained.

DELIBERATION OF PROPOSED DECISIONS

**SAVITHA CHACKO
LICENSE DENIAL**

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to adopt the proposed decision in the matter of the license denial of Savitha Chacko. Motion carried unanimously.

RESPA PHARMACEUTICALS

MOTION: Charlotte Rasmussen moved, seconded by Fred Moskol, to adopt the proposed decision in the matter of Respa Pharmaceuticals. Motion carried unanimously.

CASE CLOSINGS

DOE CASE CLOSINGS

MOTION: Fred Moskol moved, seconded by Rich Verschay, to close case 06 PHM 003 for prosecutorial discretion (P7). Motion carried unanimously.

MOTION: Suzette Renwick moved, seconded by Rich Verschay, to close case 04 PHM 088 for no violation. Motion carried unanimously.

DOE MONITORING

MICHAEL O'KRAY, R.PH.

MOTION: Fred Moskol moved, seconded by Jeanne Severson, to grant full license for Michael O'Kray, R.Ph. Motion carried unanimously.

MICHAEL HILLER, R.PH.

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to grant a 3 month stay and allow 16 Pharmacist In Charge (PIC) hours (non-consecutive open and close), effective September 1, 2006, with no change in therapy for Michael Hiller, R.Ph. Motion carried unanimously.

WILL KARWOSKI, R.PH.

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to grant a three month stay with no modifications for Will Karwoski, R.Ph. Motion carried unanimously. Greg Weber abstained.

JANET KRUEGER, R.PH.

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to grant a three month stay and allow 6 PIC hours per week with non-consecutive open and close privileges for Janet Krueger, R.Ph. Motion carried unanimously.

THOMAS PIRE, R.PH.

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to grant a three month stay, reduce therapy to one per month, and reduce UA screens to 48 for Thomas Pire, R.Ph. Motion carried unanimously. Greg Weber abstained.

CHARLENE WILLIS, R.PH.

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to grant a three month stay and deny modifications for Charlene Willis, R.Ph. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Notice of Appeal – Neil Noesen v. State of Wisconsin Department of Regulation and Licensing and Pharmacy Examining Board

William Black updated the Board on the current status of this case.

**PLANNING FOR JULY, SEPTEMBER, OCTOBER AND DECEMBER 2006
PATIENT CONSULTATION SCENARIOS**

Darwin Tichenor, Office of Examinations, joined the Board to complete the 2006 consultation scenarios.

**REVIEW/APPROVAL OF JUNE 21, 2006 PATIENT CONSULTATION
EXAMINATION SCORES**

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to validate the exam scores of June 21, 2006. Motion carried unanimously.

ADJOURNMENT

MOTION: Fred Moskol moved, seconded by Rich Verschay, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:57 p.m.

Next Meeting: July 26, 2006